

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, February 26, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Todd B. Morgan
Commissioner Daniel L. Morris
Sue Sabo, Acting County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Morgan moved, seconded by Commissioner Jones, to approve the minutes of February 12, 2013, as amended. Motion carried 5-0.

**PROCLAMATION WAS PRESENTED FOR SOUTHERN MD SUDOKU
CHAMPIONSHIP DAY**

COUNTY ADMINISTRATOR

1. Draft Agenda for March 5 and 12, 2013.

2. Department of Economic and Community Development (*Steve Anderson, Director; Carolyn Laray, Manager Tourism Division*)

(Dan Burris, Leonardtown Mayor; Laschelle McKay, Leonardtown Administrator)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and sign a letter to the Secretary of the Maryland Department of Business and Economic Development on behalf of the Commissioners of Leonardtown acknowledging that benefits from the designation of Leonardtown as an Arts & Entertainment District includes income tax subtraction modification for income from work sold by qualified resident artists within the district; Admission and Amusement Tax exemption for resident artists and Property tax credits on the increase of assessed

value attributable to renovations of property within the district that creates live-work space or space for the arts and entertainment enterprise for a period of 10 We further offer our commitment to work with the Town of Leonardtown to offer these tax credits for projects developed after the designation is received. Motion carried 5-0.

3. St. Mary's County Public Schools (*Dr. Michael Martirano, Superintendent of Schools; Gregory Nourse, Assistant Superintendent of Finance and Human Resources; F. Michael Wyant, Director of Safety*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve the following FY 2013 actions as submitted and approved by the Board of Education on January 30, 2013.

(1) Revenue and Expenditure adjustments to the General Fund in the amount of \$362,000 to fund the Salary, Overtime, and Banking Service Charges, and fund safety and security initiatives; and

(2) Categorical expenditure transfer requests to fund leave pay-outs of \$241,470, and CTE computer lease costs of \$12,555. Motion carried 5-0.

4. Circuit Court (*Teresa Weeks, Senior Legal Assistant*)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Cooperative Reimbursement Agreement, Project US1327, for the Maryland Department of Human Resources, on behalf of the Circuit Court for Child Support Enforcement, in the amount of \$11,782 and the related budget amendment that includes reducing the grant award by \$88 and the County match by \$55. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and accept the Family Services Grant award, Project MD1320, from the Administrative Office of the Courts, in the amount of \$103,259. and authorize Commissioner President Russell to execute the related budget amendment to decrease the project budget revenues and expenses by \$10,846 in accordance with the actual agreement/award. Motion carried 5-0.

5. Department of Public Works and Transportation (*Jacqueline Fournier, Transportation Manager, MaryAnn Coontz, STS Manager, Dept. of Public Works and Transportation*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY2014 Annual Transportation Plan to submit to the Maryland Transit Administration, on behalf

**of the Department of Public Works and Transportation in the amount of \$3,780,202.
Motion carried 5-0.**

6. Sheriff's Office (*Brian Eley, Civilian Administrator; Erin Shoemaker, Fiscal Manager*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment increasing both the expense accounts for a replacement K-9 and the additional medical and other contract service expenses in the amount of \$17,000. Motion carried 5-0.

7. Department of Emergency Services and Technology (*Bob Kelly, Director*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve the 2nd, 3rd and 5th amendments to the Tower License Agreements between Crown Atlantic Company, LLC and the Board of County Commissioners for St. Mary's County, Maryland and authorize Commissioner President Russell to sign the amendments. Motion carried 5-0.

8. Department of Finance (*Elaine Kramer, CFO*)

Commissioner Morgan moved, seconded by Commissioner Morris, to authorize the Contracting Officer to execute the contract for \$1,117,510 with Great Mills Trading Post after receipt of the contract related insurance/bonds from the vendor. Motion carried 5-0.

APPOINTMENT OF 2013 REDISTRICTING BOARD

Present: George Sparling, County Attorney

Mr. Sparling explained the requirement to appoint a Redistricting Board, the process to appoint members to the Board, and the role of the Board. He announced each Commissioner's appointment to the Board.

Calvin Brien (Commissioner Russell)
Jacqueline Miller (Commissioner Jarboe)
Pat Dolan (Commissioner Jones)
David L. Willenborg (Commissioner Morgan)
Barbara Thompson (Commissioner Morris)

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: PROPOSED ZONING TEXT AMENDMENT TO (A) CHANGE USE TYPE 82, EXTRACTIVE INDUSTRY, FROM A LIMITED USE TO A PERMITTED USE, OR (B) DELETE USE TYPE 82, EXTRACTIVE INDUSTRY, AS A USE

Present: Phil Shire

The request for the proposed text amendment to modify St. Mary's County's Comprehensive Zoning Ordinance is in response to an opinion filed by the Maryland Court of Special Appeals that found invalid a Queen Anne's County Ordinance which regulated major extraction operations holding that it was preempted by State law. The court also authorized the Maryland Department of Environment (MDE) to adopt a program and implement regulations related to surface mining. MDE has adopted regulations that virtually govern all aspects of surface mining.

The Commissioners requested additional data regarding MDE's requirements regulating surface mining, how other counties are responding to the ruling by the Maryland Court of Appeals, and what Charles and Calvert Counties are doing as a result of the ruling.

A motion to proceed with a Public Hearing was postponed until additional information is provided.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing personnel matters. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Sue Sabo, HR Director and Acting County Administrator
Sharon Ferris, Senior Administrative Coordinator

Authority: Article 24, Section 4-210(a)1
Time Held: 10:25 am – 11:25 am
Subject: Personnel

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 11:26 am.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)